

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: FEBRUARY 7, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ROC-18775 - APPLICANT/OWNER: DOUGLAS B. KAYS, ET AL**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:

**Planning and Development**

1. Condition Number 6 of Special Use Permit (SUP-2859) shall be removed and replaced with "The special Use Permit shall expire six years from the date of final approval (12/17/09). The premises shall therefore be vacated on or before 12/18/09."
2. Conformance to all other conditions of approval of Special Use Permit (SUP-2859) and all other subsequent related actions as required by the Planning and Development Department and the Public Works Department.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Review of Condition Number 6 of an approved Special Use Permit (SUP-2859) to amend condition number 6 to allow the existing use to continue for an additional three years subject to a required review within three years at 1717 South Decatur Boulevard (APN 162-06-301-002).

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
11/05/86	The City Council approved a Rezoning [Z-0074-86] to C-1 (Limited Commercial) on this site. The Planning Commission recommended approval on 10/09/86.
12/17/03	The City Council approved a Special Use Permit [SUP-2859] for Auto Dealer Inventory Storage at 1717 South Decatur Boulevard (APN:162-06-301-002), subject to expiration in three years and a one year review. The Planning Commission recommended approval on 11/20/03. Staff recommended denial.
01/19/05	The City Council approved a One Year Review [RQR-5544] of the approved Special Use Permit (SUP-2859) at 1717 South Decatur Boulevard (APN:162-06-301-002), subject to another one year review. The Planning Commission recommended approval on 12/16/04. Staff recommended denial.
04/19/06	The City Council approved a One Year Review [RQR-11657] of the approved Special Use Permit (SUP-2859) at 1717 South Decatur Boulevard (APN:162-06-301-002), subject to the expiration of the Special Use Permit on 12/17/06. The Planning Commission and staff recommended approval on 03/23/06.
<b><i>Related Building Permits/Business Licenses</i></b>	
06/01/05	A wall permit [A/P #43903] was issued for the ornamental iron fencing placed around the auto dealer inventory storage area, located at 1717 South Decatur Boulevard.
<b><i>Pre-Application Meeting</i></b>	
11/29/06	A pre-application conference was held resulting in no comments regarding the proposed Review of Condition.
<b><i>Neighborhood Meeting</i></b>	
NONE	A neighborhood meeting was not required for this application.
<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Net Acres	15.23

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Commercial (Indoor Swap Meet)	SC (Service Commercial)	C-1 (Limited Commercial)
North	Office Commercial	M (Medium Density Residential) SC (Service Commercial)	R-1 (Single Family Residential) R-3 (Medium Density Residential) C-1 (Limited Commercial)
South	Condominiums Post Office	M (Medium Density Residential) GC (General Commercial) PF (Public Facility)	R-3 (Medium Density Residential) C-1 (Limited Commercial) C-2 (General Commercial)
East	Single Family Residences	ML (Medium-Low Density Residential)	R-PD8 (Residential Planned Development – 8 units per acre)
West	Commercial	SC (Service Commercial) GC (General Commercial)	C-1 (Limited Commercial) C-2 (General Commercial)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>		<b>X</b>	<b>Y</b>
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>		<b>X</b>	<b>Y</b>
<b>Trails</b>	<b>X</b>		<b>Y</b>
<b>Rural Preservation Overlay District</b>		<b>X</b>	<b>Y</b>
<b>Development Impact Notification Assessment</b>		<b>X</b>	<b>Y</b>
<b>Project of Regional Significance</b>		<b>X</b>	<b>Y</b>

## ANALYSIS

The purpose of this Review of Condition is to revise Condition #6 from Special Use Permit [SUP-2859], which states “The Special Use permit shall expire three years from the date of final approval.” The applicant is requesting a continuation of the Special Use Permit for three (3) years with periodic three (3) year reviews thereafter. There have been no code enforcement issues with the storage site since it began under the authority of the Special Use Permit. The wrought iron fence with perforated metal panels screening the stored vehicles is in good condition, as well as the required landscaping along Oakey Boulevard has been installed and maintained. The base conditions for approval of the Special Use Permit for an Auto Dealer Inventory Storage have been met by the existing storage facility. The area is paved, does not interfere with or reduce the amount of parking on the overall site, and is adequately screened and is accessed from streets classified as primary or secondary thoroughfares. A Site inspection on 01/12/07 found the landscaping along Oakey Boulevard to be irrigated by a drip system and in healthy condition.

## **FINDINGS**

The subject Special Use Permit [SUP-2859] was approved with a condition limiting the Auto Dealer Inventory Storage use to a time period of only three (3) years, as the use was portrayed by the applicant as being temporary in nature. The use was subject to two (2) required one year reviews since final approval was granted to the Special Use Permit [SUP-2859] on 12/17/03. As part of the first One Year Review [RQR-5544] held on 01/19/05, the representative on behalf of Desert Dodge indicated the storage would be removed in two years (i.e. at the time Special Use Permit [SUP-2859] expires). At the time of the second One Year Review [RQR-11657] the applicant agreed to all staff conditions, one of which state, "There shall be no more reviews of the Auto Dealer Inventory Storage use at this location. Special Use Permit SUP-2859 shall expire on 12/17/06. The premises shall be vacated on or before 12/18/06." Staff cannot support this Review of Condition as the original condition was put in place to ensure the Auto Dealer Inventory Storage use as being one of a temporary nature with a limited life span, as the use itself is not harmonious and compatible with the surrounding area due to the incompatibility with the adjacent single family residences.

## **NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

N/A

**ASSEMBLY DISTRICT**      N/A

**SENATE DISTRICT**      N/A

**NOTICES MAILED**      480

**APPROVALS**      0

**PROTESTS**      0